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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/084,913	03/01/2002	Thomas Matthews	378775.0005	7140

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EXAMINER

JEAN GILLES, JUDE

ART UNIT PAPER NUMBER

2143

DATE MAILED: 10/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/084,913

Applicant(s)

MATTHEWS ET AL.

Examiner

Jude J. Jean-Gilles

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This Action is in regards to the Reply received on 07/08/2005.

#### ***Response to Amendment***

1. This office action is responsive to communication filed on 03/01/2002. Claimed priority is granted from Provisional Application 60272045 Filing Date: 03/01/2001. No claim is amended. There are no newly added claims. Claims 1-21 are pending. Claims 1-21 represent a method and apparatus for a "Network Management Method and Tool."

#### ***Response to Arguments***

2. Applicant's arguments with respect the first Office Action mailed April 8, 2005, including anticipated rejection with U. S. Patent Number 6,766,165 (hereinafter referred to as "Sharma", have been carefully considered, and is persuasive in light of the declaration by the applicant under 37 CFR 1.131. A new ground of rejection is used in this Office Action.

#### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. **Claims 1-21** are rejected under 35 U.S.C. 102(e) as being unpatentable by Gelvin et al (Gelvin) U.S. Patent No. 6,859,831 B1.

**Regarding claim 1:** Sharma discloses a method for providing network management using a remote device (*fig. 35, column 32, lines 3-25*) comprising steps of:

receiving an end-user message from an end-user device configured to communicate with a network management tool, the end-user device comprising one of a plurality of wireless devices and wherein the network management tool is configurable to communicate with any of the plurality of wireless devices (*fig. 8, and fig. 9; column 11, lines 9-53; column 34, lines 27-67*); and

processing the received message to perform a network management function on at least one network component (*fig. 38A-B; column 34, lines 27-67*).

**Regarding claim 2:** Sharma discloses the method of claim 1, further comprising:

receiving a signal indicative of monitored conditions of the network;

creating a message associated with the received signal, the message being compatible with the end-user device; and transmitting the message to the end-user device (*fig. 38A-B; column 34, lines 27-67*).

**Regarding claim 3:** Sharma discloses the method of claim 2, wherein creating the message further comprises:

receiving formatting information from a user, the formatting information associated with a network management protocol; formatting the received signal based on the received formatting information (*column 25, lines 55-67; column 26, lines 1-44*).

**Regarding claim 4:** Sharma discloses the method of claim 2, wherein transmitting the message to the end-user device comprises encrypting the message (*column 38, lines 54-67; column 39, lines 1-67*).

**Regarding claim 5:** Sharma discloses the method of claim 1, further comprising:

receiving the end-user message in a first format;

converting the end-user message to a second format compatible with a network management protocol; and transmitting a message in the second format to the network component (*column 25, lines 55-67; column 26, lines 1-44*).

**Regarding claim 6:** Sharma discloses the method of claim 1, wherein the end-user message is a network command (*column 32, lines 3-60*).

**Regarding claim 7:** Sharma discloses the method of claim 1, wherein the received end-user message is encrypted and the method further comprises decrypting the end-user message (*column 38, lines 54-67; column 39, lines 1-67*).

**Regarding claim 8:** Sharma discloses the method of claim 1, wherein the end-user device comprises one of a clientless wireless device, a session based wireless device, a paging wireless device and an email-based wireless device (*fig. 8, item 802; column 10, lines 49-67*).

**Regarding claim 9:** Sharma discloses the method of claim 1, further comprising configuring the network management tool to communicate with a predetermined set of wireless devices of the plurality of wireless devices (*column 7, lines 32-67; column 68, lines 1-65*).

**Regarding claim 10:** Sharma discloses the method of claim 1, further comprising receiving registration information including user information and end-user device information to use in authenticating the end-user device prior to communicating with the end-user device (*column 38, lines 54-67; column 39, lines 1-67*).

**Regarding claim 11:** Sharma discloses a network management tool system comprising:

at least one server connected to one or more network components (*fig. 8; fig. 9; item 806*); and

at least one end-user device coupled to the at least one server, the end-user device comprising one of a plurality of wireless device wherein the server is configurable to communicate with any of the plurality of wireless devices and process at least one message from the end-user device to perform at least one network management function on a first component of the one or more network component (*column 10, lines 49-67; column 11, lines 1-54; fig. 18*).

**Regarding claim 12:** Claim 12 lists all the same elements of claim 2, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to claim 2 applies equally as well to claim 12.

**Regarding claim 13:** Sharma discloses the system of claim 12, wherein the server is operable to transmit the message to the at least one end-user device (*column 8, lines 36-67; column 9, lines 1-26*).

**Regarding claim 14:** **Claim 14** lists all the same elements of **claim 3**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 3** applies equally as well to **claim 14**.

**Regarding claim 15:** **Claim 15** lists all the same elements of **claim 5**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 5** applies equally as well to **claim 15**.

**Regarding claim 16:** **Claim 16** lists all the same elements of **claim 6**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 6** applies equally as well to **claim 16**.

**Regarding claim 17:** **Claim 17** lists all the same elements of **claim 7**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 7** applies equally as well to **claim 17**.

**Regarding claim 18:** **Claim 18** lists all the same elements of **claim 8**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 8** applies equally as well to **claim 18**.

**Regarding claim 19:** **Claim 19** lists all the same elements of **claim 10**, but in apparatus form rather than method form. Therefore, the supporting rationale of the rejection to **claim 10** applies equally as well to **claim 19**.

**Regarding claim 20:** Sharma discloses a network management system comprising:

means for receiving an end-user message from an end-user device configured to communicate with a network management tool, the end-user device comprising one of a plurality of wireless devices and wherein the network management tool is configurable to communicate with any of the plurality of wireless devices (*fig. 35, column 32, lines 3-25; fig. 8, and fig. 9; column 11, lines 9-53; column 34, lines 27-67*); and

means for processing the received message to perform a network management function on at least one network component (*fig. 38A-B; column 34, lines 27-67*).

**Regarding claim 21:** Sharma discloses the A computer readable storage medium on which is embedded a computer program comprising a method of providing a network-based service, the method comprising:

receiving an end-user message from an end-user device configured to communicate with a network management tool, the end-user device comprising one of a plurality of wireless devices and wherein the network management tool is configurable to communicate with any of the plurality of wireless devices (*fig. 35, column 32, lines 3-25; fig. 8, and fig. 9; column 11, lines 9-53; column 34, lines 27-67*); and

processing the received message to perform a network management function on at least one network component (*fig. 38A-B; column 34, lines 27-67*).



***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE NON-FINAL**. Any inquiry concerning this communication or earlier communications from examiner should be directed to Jude Jean-Gilles whose telephone number is (571) 272-3914. The examiner can normally be reached on Monday-Thursday and every other Friday from 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley, can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

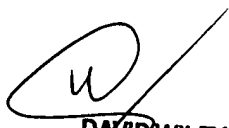
Jude Jean-Gilles

Patent Examiner

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JJG

October 1, 2005

  
**DAVID WILEY**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2100**